

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All such petitions or protests should be filed on or before May 15, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7118 Filed 3-16-78; 8:45 am]

[6740-02]

[Docket No. ER78-234]

WISCONSIN ELECTRIC POWER CO.

Proposed Tariff Change, March 10, 1978

Take notice that Wisconsin Electric Power Co. on March 6, 1978, tendered for filing an amendment to FPC Rate Schedule No. 33 between Wisconsin Electric Power Co. (Wisconsin Electric) and the City of Shawano.

Wisconsin Electric indicates that the amendment, proposed to be effective October 12, 1977, modifies the agreement to provide for the following:

1. Initial demand metering equipment shall be installed and paid for by Wisconsin Electric.
2. A second 34.5-kV circuit, including the necessary metering to the point of interconnection, shall be installed and maintained by Wisconsin Electric. The cost of same shall be paid by the City of Shawano.
3. The additional facilities are being constructed solely to provide a second circuit to the existing point of service and are being constructed at the request of the City of Shawano.

Applicant states that this situation is unique to the City of Shawano and comparison rates for similar services cannot be made.

According to Wisconsin Electric a copy of this filing was served upon the City of Shawano.

Waiver of the Commission's notice requirements is requested to allow for an effective date of October 12, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with the Commission's Rules of Prac-

tice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7119 Filed 3-16-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[FRL-88821]

GUIDELINES FOR FUEL ADDITIVE WAIVERS

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Clean Air Act Amendments of 1977 added section 211(f), which prohibits or limits the use of certain fuels and fuel additives. Section 211(f) also provides for waivers of these prohibitions and limitations if a fuel or fuel additive manufacturer can show that a fuel or fuel additive will not cause or contribute to the failure of any emission control device or system installed on vehicles or engines to achieve compliance with applicable emission standards.

Pursuant to section 211(f), the Administrator has 180 days after receipt of an application within which to grant or deny a waiver. If the Administrator does not act within 180 days, the application for waiver shall be treated as granted.

These Guidelines are being published in order to facilitate waiver application and review. The Guidelines also establish procedures for the waiver process. At this time, these Guidelines have been restricted in focus to fuel additives, specifically methylcyclopentadienyl manganese tricarbonyl (MMT).

FOR FURTHER INFORMATION
CONTACT:

George Y. Sugiyama, Attorney-Advisor, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-2816.

SUPPLEMENTARY INFORMATION:

GUIDELINES: SECTION 211(f)(4)
WAIVERS

I. APPLICATIONS FOR WAIVERS AND
BURDEN OF PROOF

All requests for a waiver, the supporting data, and the contents of all

related submittals should be public information and therefore releasable to any party requesting such data. Should an applicant for a waiver desire to assert a claim of business confidentiality or trade secret information over any part of an application requesting a waiver, such assertion should only be made if the failure to submit such information would seriously jeopardize the success of the application and the release of such information will cause significant harm to the applicant.

Applications for waivers should be submitted only by manufacturers of fuels or fuel additives. Requests for waivers by individuals or organizations who are not manufacturers will not be considered a sufficient request for waiver such as to initiate the 180 day review period provided by section 211(f)(4). For purposes of initiating the 180 day requirement, an application will be considered to be received on the date it is delivered to the Director, Mobile Source Enforcement Division. Use of certified (return receipt) or registered mail is encouraged.

The Administrator may waive the section 211(f) prohibitions and restrictions if he "determines that the applicant has established" (emphasis supplied) that the fuel additive in question will not cause the effects described in section 211(f)(4). The burden of performing tests and furnishing data and evidence is upon the applicant. Applications which are not accompanied by any evidence as to the effects of a fuel additive upon the emissions performance of the national automobile fleet will be denied. Any waiver granted to one manufacturer will be applicable to any manufacturer similarly situated. Multiple applications for the same waiver are not necessary and are discouraged unless based on different or additional information.

II. DEFINITIONS

A. *Substantially similar.* A fuel additive is not substantially similar to any fuel additive used in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Clean Air Act (as amended), if:

(a) Such fuel additive contains any element other than an impurity which is not specified for use in the fuel utilized in the certification of any model year 1975 or subsequent model year vehicle or engine, or (b) the chemical structure of the additive is not identical to the chemical structure of any additive specified for use in the certification of any model year 1975, or subsequent model year vehicle or engine.

B. *Introduction into commerce.* Introduction into commerce of a fuel additive occurs when with regard to a quantity of fuel containing such additive:

(a) No further blending, mixing, or other treatment or change to the chemical composition of the fuel will occur, and (b) the fuel has entered into the process of shipment, such as pipeline or common carrier (whether or not owned or controlled by the manufacturer), with the purpose of selling or offering for sale.

C. *Increase in concentration.* The phrase "increase in concentration" is applicable on a per refiner basis and, with respect to fuel additives, will be considered to occur if any concentration in any gallon of fuel (in grams of additive per gallon) exceeds the highest of any preceding concentration for a fuel entered into commerce.

III. TESTING PROCEDURES

A request for a waiver should contain data relating to a fuel additive's emissions effects which are derived from vehicle testing. It is essential that test data provide a reliable basis for comparison with the conditions under which vehicles are certified pursuant to section 206 of the Clean Air Act. The various tests and conditions under which tests should be conducted are described below.

A. *Use of the FTP for exhaust emissions testing.* For all tailpipe emission tests the Federal Test Procedure for 1978 and subsequent year light-duty vehicles should be used. The FTP is described at 40 CFR 86.101 et seq. Any deviations from the FTP should be reported in the application for waiver along with an explanation as to the reasons for such deviations.

B. *Federal durability schedule.* Each car in the test fleet should accumulate 50,000 miles utilizing the Federal Durability Schedule. Test track or mileage accumulation dynamometers are equally acceptable if adequate emission control system cooling is provided on the dynamometers. The Federal Durability Schedule is described at 40 CFR Part 85 Appendix IV. Any deviations from the Federal Durability Schedule should be reported in the application for waiver along with an explanation of the reasons for such deviations.

C. *Testing at various concentration levels of fuel additives.* Where a waiver is sought for a fuel additive, the additive's effects upon emissions performance may be critically dependent upon its concentration in use. Data submitted should encompass the range of concentrations intended for use. No attempt by EPA to extrapolate data to a permissible concentration level is contemplated.

IV. FUEL AND FUEL ADDITIVE SPECIFICATIONS

A. *Service accumulation fuel.* The fuel utilized for service accumulation should be similar to that utilized in the certification of light-duty motor

vehicles under section 206 of the Clean Air Act except with regard to the application additive. Reference should be made to 40 CFR 86.113-79(a)(2) for an example of one such fuel. Specifications for the service accumulation fuel should be reported in the application for a waiver along with documentation that the fuel utilized did not vary in specifications.

B. *Emission test fuel.* All emission testing should be performed using Indolene fuel. If Indolene fuel is not used, then it is recommended that the specifications for emission test fuel contained at 40 CFR 86.113-79(a)(1) be followed. Specifications for the emission test fuel used should be reported in the application for a waiver along with documentation demonstrating that the fuel utilized did not vary in specifications.

V. DURABILITY OF EMISSION CONTROL SYSTEMS AND DEVICES

A waiver cannot be granted if a fuel additive will cause or contribute to a failure of any emission control device or system to achieve compliance with the standards over the vehicle's useful life. EPA believes that harm to emission control devices or systems which adversely affects vehicle performance, such that removal or rendering inoperative of such devices or systems may be reasonably expected, should be considered a basis under section 211(f)(4) for denying a waiver. Where the potential for such harm is evidenced, the applicant has the burden of proving that such harm will not occur.

VI. FORMATS FOR SUBMITTAL OF INFORMATION

A. A separate application should be filed for each additive for which a waiver is requested.

B. The application should be in writing, signed by an authorized representative of the applicant, and clearly indicate that it is an application for a waiver pursuant to section 211(f)(4) of the Clean Air Act.

C. All information and data which is used to support a request for a waiver should be submitted at the same time. Substantive amendments (other than technical corrections of information already received by EPA) may be considered to be new applications, and the date such amendments are received may be treated as the beginning of the 180 day period specified in section 211(f)(4).

D. An application filed by more than one party is permissible and will be accepted.

E. The applicant has the burden of furnishing to EPA all data which is referenced or utilized as support for a request for a waiver.

F. Each application will receive a docket number which will be communicated to the applicant(s) along with

the receipt date of the application. All correspondence should refer to the docket number.

G. Five copies of each application should be submitted to: Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

H. Each application should contain the following information:

1. Fuel and fuel additive specification for the mileage accumulation and emissions test fuel and for the fuel and/or fuel additive for which a waiver is requested and the methods of analysis.

2. HC, CO, NOx emission values in grams/mile for each test performed.

3. Deterioration factors for each vehicle.

4. A description or reference to a description of all procedures used to test each vehicle.

5. A record and description of maintenance and other servicing performed.

6. The results of each emission test for each vehicle and the point in the durability schedule at which such vehicles were tested.

7. A description of each vehicle in the control and test fleets, including a description of their engines, emission control systems, fuel system components, and any auxiliary emission control devices.

8. Results of analysis of the actual fuel used in mileage accumulation and emission testing with respect to additive concentration, lead content, octane rating, sulfur content, phosphorus content, Reid vapor pressure, distillation specifications, and hydrocarbon composition.

9. Evidence of the physical effects of the additive for which waiver is requested on catalytic converters for the 50,000 miles of operation (e.g., pressure drop test results or other physical testing to determine extent of catalyst plugging).

Dated: March 9, 1978.

MARVIN B. DURNING,
Assistant Administrator
for Enforcement.

[FR Doc. 78-7069 Filed 3-16-78; 8:45 am]

[6560-01]

[FRL 868-3]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 a.m. on April 5 and 6, 1978, at the Olde Colony Motor Lodge and Conference Center, North Washington